



MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
DEPARTMENT OF THE ARMY  
AND THE  
FEDERAL EMERGENCY MANAGEMENT AGENCY



SUBJECT: Chemical Stockpile Emergency Preparedness Program (CSEPP)

1. **Purpose.** This Memorandum of Understanding (MOU) establishes a framework of cooperation between the Federal Emergency Management Agency (FEMA) and the Department of the Army (Army) to identify their respective roles, responsibilities and joint efforts for emergency response preparedness involving the storage and ultimate disposal of the United States stockpile of chemical warfare materiel. This MOU shall supersede all previous agreements between FEMA and the Army regarding the CSEPP.

In order to best manage the CSEPP effort, both FEMA and the Army agree that FEMA should be responsible for managing and directing the off-post aspects of the program while the Army retains that responsibility for the on-post aspects of the program. To that end, both parties are supporting legislation which will give FEMA the necessary authority with respect to CSEPP to take on this expanded role. In anticipation of such legislation being enacted into law, FEMA and the Army will begin implementation of this new CSEPP management structure as soon as possible.

2. **Background.**

- a. The United States currently stockpiles chemical agents and munitions at eight Army installations within the continental United States.

- b. Public Law 99-145 directs the Department of Defense to dispose of the United States stockpile of lethal chemical agents and munitions. As a first step in that disposal program, the Army, with the cooperation of FEMA, the Department of Health and Human Services (DHHS), and the U. S. Environmental Protection Agency, prepared and issued a Final Programmatic Environmental Impact Statement (FPEIS) for the Chemical Stockpile Disposal Program. As a result of the Army recognition of and public concern over the inadequacy of emergency preparedness capabilities at each of the eight locations where the stockpile is stored, a concept plan for enhancing emergency preparedness at the eight sites was developed and committed to in the FPEIS.

c. This MOU is a mutual effort on the part of FEMA and the Army to assure an appropriate level of readiness at the eight chemical stockpile storage installations and in the surrounding communities by identifying:

(1) Specific areas of responsibility for each agency.

(2) Areas of special expertise of each agency, and which can be applied to support chemical stockpile storage operations and the Chemical Demilitarization Program.

(3) Areas where coordinated and cooperative programs between FEMA and the Army will achieve cost savings through the efficient use of human and material resources.

### **3. Expertise and Authorities.**

a. FEMA has special expertise in developing and implementing plans and programs for hazardous materials emergency preparedness under the following authorities:

(1) Executive Order 12148 delegates authority to FEMA for developing policies which provide that all civil defense and civil emergency functions, resources, and systems of Executive agencies are developed, tested and utilized to prepare for, mitigate, respond to and recover from the effects on the population of all forms of emergencies.

(2) Executive Order 12148 also delegates authority to the Director of FEMA to represent the President in working with State and local governments and the private sector to stimulate participation in civil emergency preparedness, mitigation, response, and recovery programs.

(3) Section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, confers on the Director of FEMA the authorities to prepare Federal response plans and programs for the emergency preparedness of the United States and coordinate such plans with State efforts. These authorities include providing for necessary emergency preparedness communications for the dissemination of warnings to the civilian population of a hazard; study and development of emergency preparedness measures; conduct and development of training for the instruction of emergency preparedness officials and other persons in organization, operation, and techniques of emergency preparedness, and dissemination of emergency preparedness information.

(4) Under the Emergency Planning and Community Right-to-Know Act of 1986 (Title III of P.L. 99-499), FEMA is authorized to provide for training and education

programs for Federal, State and local personnel in hazard mitigation, emergency preparedness, technological hazards, and emergency processes, with special emphasis with respect to hazardous chemicals.

b. In the prevention and mitigation of chemical emergencies resulting from storage, handling and disposal incidents, the Army operates under the following authorities:

(1) Title 14, Part B, Section 1412 of Public Law 99-145, the Department of Defense Authorization Act of 1986, requires the Secretary of Defense to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the stockpile of lethal chemical agents and munitions.

(2) Executive Order 12580 delegates to the Army the President's broad response authority under Section 104 of CERCLA with respect to releases or threatened release from any facility under the jurisdiction or control of the Secretary of Defense.

(3) Public Law 104-201 required the Secretary of the Army to assess the implementation and success of the establishment of site-specific Integrated Product and Process Teams (IPTs) as a management tool for the Chemical Stockpile Emergency Preparedness Program (CSEPP).

#### **4. Responsibilities.**

a. For this MOU, FEMA agrees to:

(1) Assume total authority, responsibility and accountability for working with State and local governments to develop their off-post emergency preparedness for responding to chemical accidents or incidents at the eight chemical stockpile storage installations.

(2) Administer funds to the State and local governments to support off-post emergency response preparedness for the chemical stockpile as such funds may be appropriated by Congress, either through the Army or a direct appropriation to FEMA.

(3) Take the lead in supporting State and local government development of off-post emergency preparedness plans, including upgrading community response capabilities, and conducting necessary training.

(4) Prepare, develop, deliver, and evaluate the effectiveness of, training to State and local governments for planning, mitigation and emergency response as they apply to the chemical warfare materiel stockpile.

(5) Provide technical assistance to State and local governments in the development of site-specific emergency preparedness programs.

(6) Work closely with States to develop policies and procedures to assist States in developing and assessing readiness at each site as necessary.

(7) Provide emergency management assistance, liaison and functional expertise to the Army and State and local governments in integrating on-post/off-post emergency response.

b. The Army, in turn, agrees to:

(1) Until such time as a direct appropriation to FEMA is established for the purposes of accomplishing the objectives identified herein, provide an annual funding amount to FEMA at the beginning of each fiscal year that is based on the approved program Life Cycle Cost Estimate, adjusted for the actual Congressional appropriation.

(2) Provide technical support and expertise to assist FEMA in implementing off-post chemical agent emergency preparedness procedures, to include:

(a) Chemical agent emergency preparedness automation systems.

(b) Meteorological expertise in atmospheric dispersion modeling and site-specific hazard assessments and analyses required for personal protection, collective protection, monitoring/detection and decontamination equipment.

(c) Expertise, training, and technical assistance, as requested and in coordination with FEMA, for emergency medical response to chemical agent incidents/accidents.

(d) Chemical agent specific equipment and systems support, such as agent testing, personal protection, detection/monitoring, decontamination, modeling, analysis, mitigation, and risk analysis.

(3) At FEMA's request provide technical assistance and support to FEMA in the development, review and/or conduct of training on chemical agent materiel characteristics and agent specific emergency response procedures.

(4) Conduct site-specific risk analyses, and provide the product in a form needed by FEMA, which will be used by FEMA and the Army in defining readiness and funding requirements for site-specific chemical agent emergency preparedness programs.

(5) Ensure that viable Chemical Accident/Incident Response Assistance (CAIRA) Plans are in place and are assessed in conjunction with FEMA assessments of off-post emergency response plans.

c. Areas of Cooperation. Within the resources available, the Army and FEMA are committed to:

(1) Jointly developing a readiness posture at the eight chemical stockpile storage installations and in the surrounding communities based on assessments, requirements and available resources at the earliest practicable date.

(2) Assuring the continuance and success of a collaborative approach to decision making and problem solving by supporting Integrated Product and Process Teams, in accordance with the provisions of P.L. 104-201.

(3) The integration and compatibility of on-post and off-post emergency preparedness and response procedures, to include information and communication systems.

(4) Assessing and improving the effectiveness of Federal, State and local response systems and procedures through the design, conduct and evaluation of exercises.

(5) Keeping the public involved and informed through public information and education programs, including Joint Information Centers/Systems activities, and an active a community relations program.

(6) Providing reciprocal technical support for joint initiatives as well as initiatives requested by installations and State and local governments.

(7) Collaborating in the preparation of Army and FEMA CSEPP budgets to be presented and deferred before the Congress each year. This will facilitate maintenance of a joint Life Cycle Cost Estimate for CSEPP which include on-post and off-post emergency preparedness program funding requirements as well as technical support funding requirements.

(8) Use site-specific risk analyses in conjunction with defining readiness and funding requirements for site-specific chemical materiel emergency preparedness programs.

## 5. Implementation

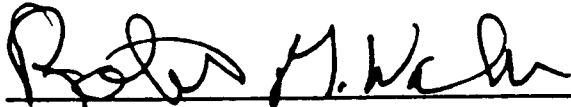
a. FEMA and the Army will jointly develop and implement a full transition of functions as described in this Memorandum of Understanding.

b. FEMA and the Army will execute a Memorandum for the Record (MFR) that will provide details pertaining to the use and operation of the IPTs.

c. An Overarching IPT (OIPT) will convene, as needed, to receive in-process reviews (IPRs) from the Army and FEMA Program Managers, submit recommendations on policy, program direction and oversight, and to resolve issues elevated from IPTs.

d. The lead oversight office for the Department of the Army is the Office of the Assistant Secretary of the Army (Installations, Logistics and Environment).

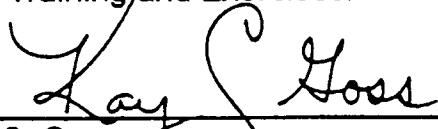
e. The lead oversight office for the Federal Emergency Management Agency is the Office of the Associate Director for Preparedness, Training and Exercises.



Robert M. Walker  
Assistant Secretary of the Army  
Installations, Logistics and Environment  
Department of the Army

10/8/97

(Date)



Kay C. Goss  
Associate Director  
Federal Emergency Management Agency  
The Preparedness, Training and  
Exercises Directorate

10/8/97

(Date)